

REMARKS

Claims 9-12, 14-17 and 19-24 have been canceled.

New Claims 25 - 51 have been submitted. Applicants note the new claims substantially track the previous claims but have been drafted to comply with the election of newly created Group I for further prosecution. Applicants note that several of the claims (Claims 40-51) refer to subject matter originally restricted by the Examiner; however, these claims have been retained since Applicants believe these groups should be rejoined with Group I. Supporting arguments for this belief are given below.

New Claims 26, 36, 41 and 47 refer to proteins encoded by nucleic acid molecules at least about 95% identical to stated SEQ ID NO's. Support for such language can be found in the specification, for example, on page 19, lines 18-23, through page 20, lines 1-6.

New Claims 27, 37, 42 and 48 refer to proteins comprising 30 contiguous amino acids from SEQ ID NO:15, SEQ ID NO:18 or SEQ ID NO:21. Support for such proteins can be found in the specification, for example, on page 19, lines 18-23, through page 20, lines 1-4 and on page 13, lines 14-17. New Claims 27, 37, 42 and 48 also refer to proteins comprising amino acid sequences 90% identical to stated SEQ ID NO's. Support for such proteins can be found in the specification, for example, on page 23, lines 11-22.

For the Examiner's convenience, the following Table illustrates the relationship between the previous claim set and the newly submitted claims:

New Claim	Old Claim	Comment
25	9	SEQ ID No.'s not in Group I have been removed
26	-----	
27	-----	
28	10	
29	11	SEQ ID No.'s not in Group I have been removed
30	12	SEQ ID No.'s not in Group I have been removed
31	14	
32	15	
33	19	SEQ ID No.'s not in Group I have been removed
34	19	SEQ ID No.'s not in Group I have been removed
35	16	SEQ ID No.'s not in Group I have been removed; mimotope, mutcin, antibody and inhibitor language has been removed
36	-----	
37	-----	

38	11	
39	12	
40	20	SEQ ID No.'s not in Group I have been removed; 'means' has been changed to 'method'
41		
42		
43	11	
44	12	
45	21	
46	22	SEQ ID No.'s not in Group I have been removed; mimotope, mutcin, antibody and inhibitor language has been removed
47		
48		
49	11	
50	12	
51	24	

In view of the above, Applicants submit no new matter has been entered into the specification.

I. Group Election

In response to the Restriction Requirement dated June 13, 2002, Applicants provisionally elect to prosecute Group I with traverse. Applicants note this elections is made solely in the interest of expediting prosecution of this Application and Applicants reserve the right to traverse division between Groups II - VI and division between species in subsequent divisional filings. Applicants also reserve the right to file divisional Applications relating to these claims without the need to file a terminal disclaimer.

The Examiner has restricted the instant Application into 6 Groups relating to the *Dermatophagoides farinae* 98 kDa protein, the *Dermatophagoides pteronyssinus* 98 kDa protein, methods of detecting allergic animals using such proteins and methods of treating allergies using such proteins. Group I, consisting of claims 9-12, 14-17, and 19-24, is drawn to the *Dermatophagoides farinae* 98 kDa protein. Derf 98 kDa amino acid sequences of Group I claims include SEQ ID NO:1, SEQ ID No.'s 3-7, SEQ ID NO:10, SEQ ID NO:11, SEQ ID NO:13, SEQ ID NO:15, SEQ ID NO:18, and SEQ ID NO:21. Nucleic acid sequences encoding the proteins referenced in Group IX include SEQ ID NO:14, SEQ ID NO:17, SEQ ID NO:20,

and SEQ ID NO:25-28. A chart relating the relevant SEQ ID No.'s (SIN's) to the relevant molecules is shown below for the Examiner's convenience.

SEQ ID NO	Type	Molecule	Description
Dermatophagoides farinae molecules			
1	Protein		terminal peptide
3	Protein		internal peptide
4	Protein		internal peptide
5	Protein		internal peptide
6	Protein		internal peptide
7	Protein		internal peptide
10	Protein		internal peptide
11	Protein		internal peptide
13	Protein		internal peptide
14	Nucleic Acid	nDerf98_1752	full-length cDNA
15	Protein	PDerf98_555	translation of ORF in SIN 14
16	Nucleic Acid		complement of SIN 14
17	Nucleic Acid	nDerf98_1665	coding sequence for PDerf98_555
18	Protein	PDerf98_555	
19	Nucleic Acid		complement of SIN 17
20	Nucleic Acid	nDerf98_1608	coding sequence for pDerf98_536
21	Protein	PDerf98_536	mature protein; signal sequence removed
22	Nucleic Acid		complement of SIN 20
24	Protein		terminal peptide

II. Restriction Between Groups I, III and V

The Examiner has restricted the *Dermatophagoides farinae* 98 kDa protein and methods of using this protein into Groups I, III and V. Group I relates to the *Dermatophagoides farinae* 98 kDa protein. Group III relates to a method of identifying an animal susceptible to or having an allergic response using the protein of Group I while Group V relates to a method of treating allergy using the protein of Group I. The key point here is that the methods of Group III and V require the use of the proteins claimed by the claims of Group I. Because of the way the claims are drafted, the methods described in the claims of Group III and Group V cannot be practiced without the proteins covered by the claims of Group I. In this sense, the claims of Group III and Group V do not expand the scope of the claim coverage of Group I. In view of this, Applicants respectfully submit that a thorough search for the subject matter of Group I would be sufficient

to enable the examination of the claims of Groups III and V without constituting an undue burden for the Examiner,

In view of the above, Applicants request rejoinder of Groups III and V with Group I.

CONCLUSION


In view of the foregoing amendments and remarks, Applicants respectfully request rejoinder of Groups I, III and V. Applicants reserve the right to traverse restrictions between any of the Groups in subsequent divisional applications. Applicants also reserve the right to file divisional applications relating to any and all of these Groups without the necessity of filing a terminal disclaimer. Furthermore, if the elected claims of Group I are found allowable, Applicants reserve their right to amend any related claims to be commensurate in scope with the claims of Group I, and to request that such claims be rejoined and examined for patentability. *In re Brouwer*, 37 USPQ2d 1663 (Fed. Cir. 1996); *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995).

If any questions remain regarding this Application, the Examiner is invited to contact the undersigned at (970) 493-7272 ext. 4174.

Respectfully submitted,

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